

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nilles et al.

Serial No.: 10/622,220

Filed: July 18, 2003

For: YERSINIA SPECIES COMPOSITION

Confirmation No.: 5964

Examiner: A. Navarro

Group Art Unit: 1645

Attorney Docket No.: 3128-6046US

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RESPONSE TO RESTRICTION REQUIREMENT / SPECIES ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office communication mailed May 2, 2006 has been received and reviewed. The Office communication first imposed a seven-way restriction requirement on the pending claims. Applicants elect Group I, containing claims 1-6, 8-13, 15-23, 38-40, and 46 without traverse. Applicants reserve the right to rejoin, for example, Group II upon allowance of the Group I claims.

The Office communication also entered a species election. Specifically, the Office communication found

“This application contains claims directed to the following patentably distinct species: LcrV, Fl antigen, attenuated Yersinia, a recombinant bacterium encoding a YscF protein, an inactive or killed Yersinia bacterium, prig, MxiH, EscF. The species are independent or distinct because they each have a separate primary,

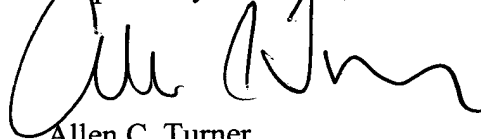
secondary and tertiary structure.”

(Office communication, p. 4).

The species are enumerated in the Markush group of dependent claim 2. Applicants elect “a recombinant bacterium encoding a YscF protein” as a species, without traverse. Claims readable upon the elected species are believed to include claims 1-6, 8-13, 15-23, and 38-40.

The application should now be in condition for examination on the merits. If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants’ attorney at the address or telephone number given herein.

Respectfully submitted,



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Date: August 1, 2006

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